

RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL (THE "GOVERNING BODY") OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE CITY), TO VACATE AND/OR ABANDON A DRAINAGE/UTILITY EASEMENT ALONG THE COMMON PROPERTY LINE BETWEEN LOTS 19 AND PART 20, DIAMONDHEAD SUBDIVISION PHASE 2, HANCOCK COUNTY LOCATED WITHIN THE CITY

WHEREAS, the Mayor and City Council (the Governing Body) of the City of Diamondhead, Mississippi (the City), acting for and on behalf of the City, hereby finds and determines as follows:

1. The City currently possesses a 5' drainage and utility easement on each side of the common property line between lots 19 and 20, Diamondhead Subdivision Phase 2, Unit 10, Block 10;
2. James P. Vancleave is the owner of lots 19 and part 20, Diamondhead Subdivision Phase 2, Unit 10, Block 10;

The physical address is 550 Kaiki Circle. The ad valorem tax parcel number is 131D-2-13-061.000. Construction and site plans and a building permit application have not been submitted for the construction of a single family home.

3. Comments from the Diamondhead Water and Sewer District reflect no water and sewer in the selected easement. Comments from the Diamondhead Public Works Department and CEPA reflect "no problem" (See attached comments).
4. Further, the City hereby abandons and/or vacates the drainage/utility easements as petitioned due to no apparent need for the drainage/utility easements. These drainage/utility easements are 5' drainage and utility easements on each side of the common property line between lots 19 and part 20, Diamondhead Subdivision Phase 2, Unit 10, Block 10 except the width of the 10' drainage easement of the front and rear property lines.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY, AS FOLLOWS:

SECTION 1. That the Governing Body of the City will hereby abandon the selected drainage/utility easements with respect to Lots 19 and part 20 described in bullet #4.

SECTION 2. It is agreed and understood that James P. VanCleave or their representative will be responsible for the filing of all necessary documents with the Chancery Clerk of Hancock County, Mississippi.

The above and foregoing resolution, after having been first reduced to writing, was introduced by Councilmember _____, seconded by Councilmember _____ and the question being put to a roll call vote, the result was as follows:

	Aye	Nay	Absent
Councilmember Knobloch	_____	_____	_____
Councilmember Depreo	_____	_____	_____
Councilmember Woolbright	_____	_____	_____
Councilmember Sislow	_____	_____	_____
Councilmember Rech	_____	_____	_____
Mayor Schafer	_____	_____	_____

The motion having received the affirmative vote of a majority of all of the members of the Governing Body, the Mayor declared the motion carried and the resolution adopted, this the _____ day of _____, 2016.

MAYOR

ATTEST:

CITY CLERK

(SEAL)



5000 Diamondhead Circle · Diamondhead, MS 39525-3260

Phone: 228.222.4626 Fax: 228-222-4390

www.diamondhead.ms.gov

TO: Mayor, City Council and City Manager

FROM: Ronald R. Jones, CBO *Ronald*
Building Official

DATE: November 7, 2016

SUBJECT: Request to abandon interior 5' drainage and utility easements by James P. VanCleave;
550 Kaiki Circle

James P. VanCleave has submitted a request to abandon the 5' drainage and utility easements along each side of the common property line of lots 19 and 20 located at 550 Kaiki Circle for the purpose of constructing a new single family home. The tax parcel numbers are 067E-1-26-140.000 and 067E-1-26-141.000. The legal description is Diamondhead Phase 2, Unit 6, Block 9, Lots 94 and 95.

The following entities have responded to this inquiry:

City of Diamondhead Public Works- no problem

CEPA- does not have any utilities located in those easements

DWSD- no problem

POA- no response

attachments

D Phase 2 Unit 10 Block 10
Parcel/Lot 19+20

550 Kai Ki Circle

10-18-12

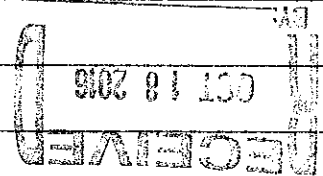
Parcel #
1312-2-13-061.000

Mayor and City Council,

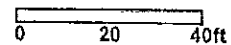
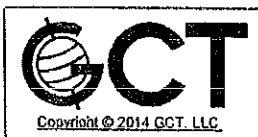
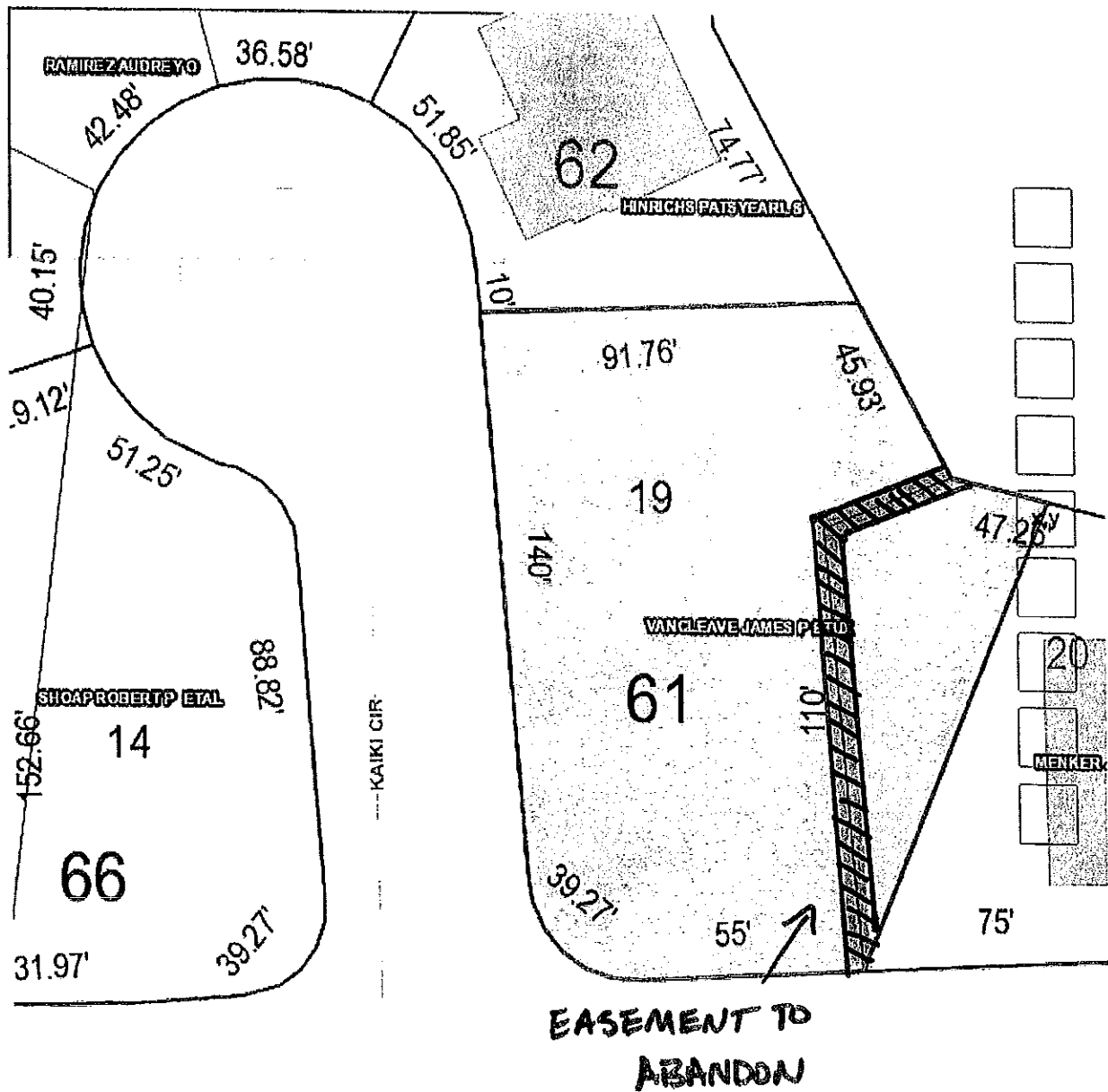
I am requesting to vacate the
5 ft. drainage and utility easement
along the common property line between lot
19+20 Diamondhead Phase 2 Unit 10 Block 10.

The purpose of this request is to allow
me to build a single family residential
on this lot.

Any questions regarding this matter
can be addressed to me at
Jim VanCleave 469-585-0522 cell or
Melissa Wood 936-697-4614 cell.




* James P. VanCleave
James VanCleave



VANCLEAVE JAMES P ETUX

Parcel Number: 131D-2-13-061.000
Owner Name: VANCLEAVE JAMES P ETUX
Owner Address: 7612 FAIRWAY DRIVE
Owner City: DIAMONDHEAD
Owner State: MS
Owner ZIP: 39525
Legal Description 1: 19 & PT 20 BLK 10 DIAMONDHEA
Legal Description 2: D PHASE #2 UNIT #10
Legal Description 3:
Legal Description 4:
Legal Description 5:
Legal Description 6:
Deed Book: B107
Deed Page: 681
Improvement Value: 0
Estimated Tax: 1219.92
Year Built:
Base Area:
Improvement Type:
Land Value: 65000
Physical Address: 0
Longitude: -89.37168
Latitude: 30.378748
Square Footage: 17221.555561

Sketches

Sketch	Sketch Name
	131D-2-13-061_00000-Model.gif

Ronald Jones

From: Richard Sullivan
Sent: Monday, October 31, 2016 9:50 AM
To: Ronald Jones
Subject: Re: Request to abandon drainage and utility easement by Van cleave

Ronald I don't have any issues regarding the drainage easement.

Sent from my iPhone

> On Oct 31, 2016, at 8:45 AM, Ronald Jones <rjones@diamondhead.ms.gov> wrote:

>

> Ronald

>

>

> -----Original Message-----

> From: Ronald Jones

> Sent: Friday, October 21, 2016 3:00 PM

> To: Darrell Kinchen (DARRELLKINCHEN@CABLEONE.NET) <DARRELLKINCHEN@CABLEONE.NET>; Kendall Ladner (kendallladner@coastepa.com) <kendallladner@coastepa.com>; Richard Sullivan <rsullivan@diamondhead.ms.gov>; Cheryl Ladner - Diamondhead Water and Sewer District (cladner@dwsd.us) <cladner@dwsd.us>; Nancy Depreo (NDepreo@diamondhead.ms.gov) <NDepreo@diamondhead.ms.gov>; Robin Reiter - Diamondhead water & Sewer District (rreiter@dwsd.us) <rreiter@dwsd.us>

> Cc: Clovis Reed (creed@diamondhead.ms.gov) <creed@diamondhead.ms.gov>

> Subject: Request to abandon drainage and utility easement by Van cleave

>

> James P. Van Cleave is requesting to abandon the 5' drainage and utility easement along the common (interior) property line of lots 19 and 20, Diamondhead Phase 2, Unit 10, Block 10. The street address is 550 Kaiki Circle. The purpose of this request is to construct a new single family dwelling.

>

> Does your company presently need as well as in the future to provide services? Would you provide your written comments no later than Friday, October 28, 2016 in order to make the November 1st City Council meeting agenda?

>

> Thanks,

> Ronald Jones

>

> -----Original Message-----

> From: sharp.scanner@diamonhead.ms.gov [mailto:dheadscans@gmail.com]

> Sent: Friday, October 21, 2016 3:47 PM

> To: Ronald Jones <rjones@diamondhead.ms.gov>

> Subject: Scanned image from MX-6201N

>

> Reply to: sharp.scanner@diamonhead.ms.gov <sharp.scanner@diamonhead.ms.gov> Device Name: City of Diamondhead Device Model: MX-6201N

> Location: City Admin

>

> File Format: PDF (Medium)

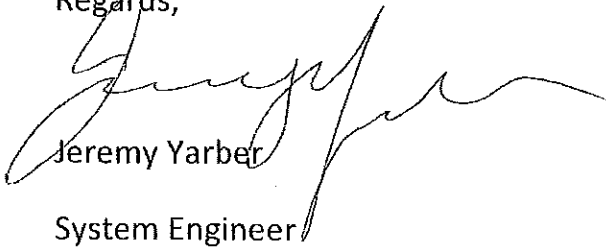
> Resolution: 200dpi x 200dpi

>

Mr. Ronald Jones,

I have reviewed the request to abandon the easement at the corner of Kaiki Drive & Kaiki Circle (between Lots 19 & 20). Coast Electric Power Association agrees to abandon the easement as described above and shown below in the original request letter. Abandonment area is highlighted on the Geoportal Map. If you have any additional questions or concerns, please contact me.

Regards,

A handwritten signature in black ink, appearing to read 'Jeremy Yarber', written over the printed name.

Jeremy Yarber

System Engineer

(228) 860-7966

Ronald Jones

From: Nancy Depreo <ndepreo@seymoureneng.com>
Sent: Monday, October 24, 2016 11:39 AM
To: Ronald Jones
Subject: Fwd: Request to abandon drainage and utility easement by Van cleave
Attachments: 550 Kaiki Circle.pdf

Ron,

We do not have any utilities in this area.

Thank you,
Nancy

----- Forwarded message -----

From: John Cumberland <jcumberland@dwsd.us>
Date: Mon, Oct 24, 2016 at 11:25 AM
Subject: RE: Request to abandon drainage and utility easement by Van cleave
To: Nancy Depreo <ndepreo@seymoureneng.com>

Nancy,

The District does not have any utilities in the area in question.

Thank you,

John

From: Nancy Depreo [<mailto:ndepreo@seymoureneng.com>]
Sent: Friday, October 21, 2016 4:16 PM
To: John Cumberland
Subject: Fwd: Request to abandon drainage and utility easement by Van cleave

John,

RS 2016-048
Agenda Item 2017-048

AUTHORIZING RESOLUTION

COUNCIL MEMBER _____ moved the adoption of the following Resolution and Order:

A RESOLUTION OF THE CITY COUNCIL, THE GOVERNING BODY ("THE BOARD") OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE "LESSEE"), FINDING IT NECESSARY TO ACQUIRE EQUIPMENT FOR GOVERNMENTAL OR PROPRIETARY PURPOSES AUTHORIZED BY LAW: FINDING THAT IT WOULD BE IN THE PUBLIC INTEREST TO ACQUIRE SUCH EQUIPMENT UNDER THE TERMS OF A LEASE PURCHASE AGREEMENT: FINDING THAT THE HANCOCK BANK, GULFPORT, MISSISSIPPI, (THE "LESSOR") HAS OFFERED TO ACQUIRE SUCH EQUIPMENT, OR TO ACQUIRE FROM AND REIMBURSE THE LESSEE FOR THE COST OF SUCH EQUIPMENT IN THE EVENT THE EQUIPMENT HAS ALREADY BEEN PURCHASED BY THE LESSEE, AND TO LEASE SUCH EQUIPMENT TO LESSEE: FINDING THAT SUCH PROPOSAL IS IN THE INTEREST OF THE LESSEE AND AUTHORIZING AND DIRECTING THE AUTHORIZED OFFICERS (AS HEREINAFTER DEFINED) TO EXECUTE A LEASE PURCHASE AGREEMENT AND SUPPORTING SCHEDULES AND ATTACHMENTS INCLUDING, BUT NOT LIMITED TO, ASSIGNMENTS OF TITLE TO THE EQUIPMENT TO HANCOCK BANK TO THE END THAT THE EQUIPMENT SHALL BE ACQUIRED BY SUCH BANK AND LEASED TO THE LESSEE ON THE TERMS AND CONDITIONS EXPRESSED IN SUCH LEASE.

WHEREAS, the Board has determined that it is necessary to acquire certain items of Equipment (the "Equipment") for use by the Lessee for purposes authorized by law and

WHEREAS, the Board had by these presents determined that it would be in the public interest to acquire such Equipment through a Lease Purchase Agreement as provided under Section 31-7-13 (e) MISS.CODE ANN. (1972), as amended, and

WHEREAS, the Board anticipates that it will not issue more than \$10,000,000.00 of qualified tax-exempt obligations during calendar year 2016 and desires to designate the Lease Purchase Agreement as a qualified tax-exempt obligation of the Lessee for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, ("the Code").

WHEREAS, to the best knowledge and belief of the Board, this lease qualifies as a qualified project bond within the meaning of the Tax Reform Act of 1986; and

WHEREAS, the Hancock Bank of Gulfport, Mississippi, has proposed to acquire the Equipment at the offered price and to lease the Equipment to the Lessee at a rate of 1.99% per annum.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

SECTION 1: The City Manager and City Clerk (hereinafter the "Authorized Officers") are hereby authorized and directed to execute a Lease Purchase Agreement (also referred to as a "Governmental Lease Purchase Agreement"), either reference being the "Agreement", and all attachments thereto. Such Agreement shall be in substantially the form attached hereto with such appropriate variations, omissions and insertions as are permitted or required by this Resolution and as are consented to by the Lessee's representatives (the "Authorized Officers") executing the Agreement, such consent being evidenced by their signatures.

SECTION 2: The Equipment to be leased pursuant to the Agreement shall be more fully described in a schedule to the Agreement titled "Exhibit D – Description of the Equipment". Upon delivery and acceptance by the Lessee of the Equipment, the Authorized Officers are authorized and directed to execute a Certificate of Acceptance of such Equipment and, as provided in Section 4.01 of such Lease, the lease term shall commence on the date of acceptance.

SECTION 3: The Authorized Officers are further authorized and directed to execute on behalf of the Lessee a Financing Statement and all other documents as provided for under Section 7.02 of such Lease to establish and maintain the security interest of Hancock Bank in such Equipment.

SECTION 4: The Board hereby designates the Lease Purchase Agreement as a qualified tax-exempt obligation for purposes of Section 265(b)(3) of the Code.

SECTION 5: The Lessee and the Board understand Section 8.03 of the Agreement ("Provisions Regarding Insurance") and agree to provide property damage and liability insurance in accordance with the terms of the Agreement.

COUNCIL MEMBER _____ seconded the motion and after a full discussion, the same was put to vote with the following results:

_____	Voted: _____
_____	Voted: _____
_____	Voted: _____
_____	Voted: _____
_____	Voted: _____
_____	Voted: _____
_____	Voted: _____

The motion, having received an affirmative vote, was carried and the resolution adopted, this the _____ day of _____ 2016.

By: _____

Mr. Clovis Reed

City Manager

{Seal}

Attest: _____

Ms. Jeannie Klein

City Clerk